

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EDDY MOMPLAISIR,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTION, *et al.*,

Defendants.
-----X

**STIPULATION AND
ORDER OF DISMISSAL**

07 Civ. 7001 (WHP)

WHEREAS, plaintiff Eddy Momplaisir commenced this action by filing a complaint on August 6, 2007, alleging a violation of rights guaranteed by the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff and the City of New York, in lieu of and in substitution for all defendants named in plaintiff's complaint and without admitting any fault or liability, have settled this action in a separate Stipulation and Order of Settlement and Discontinuance dated May 7, 2008;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees as against defendants Assistant Deputy Warden Tindal, Assistant Deputy Warden Barrett, Captain John, Captain Rakestraw, Captain Zouhbi, Captain McFarlane, Correction Officer Latimore, Correction Officer Attmore, and Correction Officer Goodman, pursuant to Federal Rule of Civil Procedure 41.

2. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any

other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations, or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiation.

3. This Stipulation and Order, and the Stipulation and Order of Settlement and Discontinuance dated May 7, 2008 referenced herein, contain all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of these Stipulations regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 7, 2008

Eddy Momplaisir
Plaintiff *Pro Se*
08A0009
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562-5442

By: 

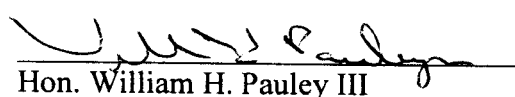
EDDY MOMPLAISIR

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-301
New York, New York 10007
(212) 788-0908
tgantz@law.nyc.gov

By: 

Toni Gantz
Assistant Corporation Counsel

SO ORDERED:


Hon. William H. Pauley III
United States District Judge

5/19/08